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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------|------------------|
| 10/074,760 | 02/12/2002 | Stephen Hershey | 0115426-970 | 9282 |
| 29158 | 7590 | 05/02/2006 | EXAMINER TRAN, PHUC H | |
| BELL, BOYD & LLOYD LLC P. O. BOX 1135 CHICAGO, IL 60690-1135 | | | ART UNIT 2616 | PAPER NUMBER |

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/074,760 | HERSHEY, STEPHEN |
| | Examiner PHUC H. TRAN | Art Unit 2616 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 February 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-29, 31-41 and 43-47 is/are rejected.
- 7) Claim(s) 30 and 42 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the client and server over a wired data link must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-29, 31-41 and 43-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Rinchiuso et al. (U.S. Pub. No. 2004/0196861 A1).

- With respect to claims 1, 11-13 and 45, Rinchiuso teaches a method for a delayed connection release in a connection-oriented data link layer communications protocol, comprising:

establishing a return data link connection between a first node and a second node prior to an initial transmission of data from the first node to the second node (Fig. 8 block 801); and delaying a release of the return data link connection after a last transmission of data from the first node to the second node (page 1, paragraph 13).

- With respect to claims 2-3,14-15,24-25,36-37, and 46-47, Rinchiuso teaches wherein the first node functions as a terminal and the second node functions as a base station over a wireless data link (e.g. Fig. 1).
 - With respect to claims 4,16,26, and 38, Rinchiuso teaches further comprising the second node determining if the first node desires to transmit new data to the second node, during the delayed release of the return data link connection (page 7, paragraph 61).
 - With respect to claims 5,17,27, and 39, Rinchiuso teaches further comprising delaying the release of the return data link connection based on a return connection release timer (e.g. the time period for the delay).
 - With respect to claims 6,18,28, and 40, Rinchiuso teaches further comprising releasing the return data link connection, if it is determined that first node has no more data to transmit to the second node and if the return connection release timer has expired (see paragraph 51).
 - With respect to claims 7,19,29, and 41, Rinchiuso teaches further comprising delaying the release of the return data link connection by stopping the return connection release timer, if it is determined that first node desires to transmit the new data to the second node (see paragraph 61-63).
 - With respect to claims 8, and 20, Rinchiuso teaches further comprising the second node allocating return data link connection resources for the transmission of the new data from the

first node to the second node over the established return data link connection (e.g. the base station determines the link resume to transmit when it has a new data to transmit).

- With respect to claims 9,21,31, and 43, Rinchiuso teaches further comprising the second node determining if the first node is configured to receive an acknowledgement for data transmitted from the first node to the second node (Fig. 10, block 1005).

- With respect to claims 10,22,32, and 44, Rinchiuso teaches further comprising the second node sending a negative acknowledgement for a first node data transmission, if it is determined that the transmission of data from the first node to the second node has failed (see Fig. 11 block 1103).

- With respect to claims 23,33-35, and 45, Rinchiuso teaches a method for a delayed connection release in a connection-oriented data link layer communications protocol, comprising:

establishing a forward data link connection between a second node and a first node prior to an initial transmission of data from the second node to the first node (block 901 in Fig. 9); and
delaying a release of the forward data link connection after a last transmission of data from the second node to the first node (paragraph 13).

Allowable Subject Matter

5. Claims 30 and 42 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
4/29/06


CHI PHAM
EXAMINER
4/29/06 5/1/06